

RESOLUTION NUMBER R-_____

DATE OF FINAL PASSAGE _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO DECLARING THE RESULTS OF THE
MUNICIPAL PRIMARY ELECTION AND THE MUNICIPAL
SPECIAL ELECTION HELD IN THE CITY OF SAN DIEGO
ON MARCH 3, 2020.

WHEREAS, a Municipal Primary Election (also known as the Presidential Primary Election) was held in the City of San Diego on Tuesday, March 3, 2020, pursuant to the provisions of Ordinance No. O-21138 (New Series), introduced and adopted on October 1, 2019, for the purpose of electing candidates to the offices of Mayor, City Attorney, and Councilmember for Districts 1, 3, 5, 7, and 9, respectively; and

WHEREAS, San Diego Charter section 10 directs that the two candidates receiving the highest number of votes in a primary election for Mayor, City Attorney, and Councilmember for a specific district, respectively, are to be declared as such, and then will advance to the Municipal General Election for the office; and

WHEREAS, a Municipal Special Election was held in the City of San Diego on Tuesday, March 3, 2020, pursuant to the provisions of Ordinance No. O-21139 (New Series), introduced and adopted on October 1, 2019, for the purpose of submitting ballot measures to the qualified voters of the City of San Diego, with the ballot measures described as follows:

- 1) One citizens' initiative measure regarding an increase to the City of San Diego's hotel visitor tax rate, with proceeds designated to fund convention center expansion, homelessness programs, and street repairs (Measure C).

- 2) One measure to amend the San Diego City Charter regarding the City of San Diego's Audit Committee and the selection and term of the City Auditor (Measure D).

WHEREAS, the measures appeared on the ballot as:

MEASURE C. INITIATIVE MEASURE - HOTEL VISITOR TAX INCREASE FOR CONVENTION CENTER EXPANSION, HOMELESSNESS PROGRAMS, STREET REPAIRS. Shall the measure be adopted to: increase the City of San Diego's 10.5% hotel visitor tax to 11.75, 12.75 and 13.75 percentage points, depending on hotel location, through at least 2061, designated to fund convention center expansion, modernization, promotion and operations, homelessness services and programs, and street repairs; and authorize related bonds; with a citizens' oversight committee and audits by the City Auditor?	YES	
	NO	
MEASURE D. CHARTER AMENDMENTS REGARDING AUDIT COMMITTEE AND SELECTION AND TERM OF CITY AUDITOR. Shall Charter sections 39.1 and 39.2 be amended to provide that the City Council appoints the City Auditor from at least three candidates recommended by the Audit Committee; the Auditor is limited to two five-year terms; the Council may appoint an interim Auditor; and public members of the screening committee for the Audit Committee serve until replaced; and make clarifying amendments?	YES	
	NO	

and;

WHEREAS, a copy of the certificate of the Registrar of Voters of San Diego County (Registrar of Voters) canvassing the returns of the Municipal Primary Election and Municipal Special Election, as certified to the City Clerk, has been duly received; and

WHEREAS, a canvass of the Municipal Primary Election and Municipal Special Election has been completed and the City Clerk has certified the results to the City Council; and

WHEREAS, declaring the results of a municipal election as certified by the Registrar of Voters and the City Clerk is a ministerial act required by California Elections Code section 10263 and, therefore, is not subject to veto by the Mayor; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that the Council finds and determines, pursuant to the provisions of Section 27.0411 of the San Diego Municipal Code, as follows:

I

The City of San Diego had 780,428 registered voters eligible to vote in the March 3, 2020 election. The total number of votes cast in the City for various candidate races and ballot measures ranged from a low of 23,487 votes to a high of 366,373 votes.

II

The total vote received by each municipal candidate at the Municipal Primary Election is as follows:

A. FOR MAYOR (four-year term)

TODD GLORIA	----	147,654 VOTES (41.48%)
BARBARA BRY	----	81,541 VOTES (22.91%)
SCOTT SHERMAN	----	80,352 VOTES (22.57%)
TASHA WILLIAMSON	----	25,629 VOTES (7.20%)
GITA APPELBAUM SINGH	----	12,716 VOTES (3.57%)
RICH RIEL	----	8,099 VOTES (2.28%)
Total		355,994 VOTES (100%)

Additionally, there was one qualified write-in candidate:

JARVIS GANDY (qualified write-in)	----	3 VOTES (0.00%)
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Todd Gloria and Barbara Bry are hereby declared to be the two candidates receiving the highest number of votes and will advance to the Municipal General Election for the office of Mayor.

B. FOR CITY ATTORNEY (four-year term)

MARA W. ELLIOTT	----	208,767 VOTES (67.86%)
CORY BRIGGS	----	71,672 VOTES (23.30%)
PETE MESICH	----	27,223 VOTES (8.85%)
Total		307,662 VOTES (100%)

Mara W. Elliott and Cory Briggs are hereby declared to be the two candidates receiving the highest number of votes and will advance to the Municipal General Election for the Office of City Attorney.

C. FOR COUNCILMEMBER, DISTRICT 1 (four-year term)

JOE LACAVA	----	10,335 VOTES (24.08%)
WILL MOORE	----	7,054 VOTES (16.44%)
AARON BRENNAN	----	6,399 VOTES (14.91%)
SAM NEJABAT	----	5,884 VOTES (13.71%)
LIJUN “LILY” ZHOU	----	3,910 VOTES (9.11%)
JAMES P. RUDLOPH	----	3,505 VOTES (8.17%)
HARID “H” PUENTES	----	3,340 VOTES (7.78%)
LOUIS A. RODOLICO	----	2,484 VOTES (5.79%)
Total		42,911 VOTES (100%)

Joe LaCava and Will Moore are hereby declared to be the two candidates receiving the highest number of votes and will advance to the Municipal General Election for the office of Councilmember for District 1.

D. FOR COUNCILMEMBER, DISTRICT 3 (four-year term)

STEPHEN WHITBURN	----	14,844 VOTES (31.11%)
TONI DURAN	----	10,836 VOTES (22.71%)
CHRIS OLSEN	----	9,705 VOTES (20.34%)
MICHELLE NGUYEN	----	8,340 VOTES (17.48%)
ADRIAN KWIATKOWSKI	----	3,996 VOTES (8.37%)
Total		47,721 VOTES (100%)

Stephen Whitburn and Toni Duran are hereby declared to be the two candidates receiving the highest number of votes and will advance to the Municipal General Election for the office of Councilmember for District 3.

E. FOR COUNCILMEMBER, DISTRICT 5 (four-year term)

MARNI VON WILPERT	----	18,084 VOTES (39.78%)
JOE LEVENTHAL	----	16,778 VOTES (36.91%)
ISAAC WANG	----	8,764 VOTES (19.28%)
SIMON MOGHADAM	----	1,836 VOTES (4.04%)
Total		45,462 VOTES (100%)

Marni Von Wilpert and Joe Leventhal are hereby declared to be the two candidates receiving the highest number of votes and will advance to the Municipal General Election for the office of Councilmember for District 5.

F. FOR COUNCILMEMBER, DISTRICT 7 (four-year term)

RAUL CAMPILLO	----	15,025 VOTES (35.87%)
NOLI ZOSA	----	12,783 VOTES (30.51%)
WENDY WHEATCROFT	----	8,526 VOTES (20.35%)
MONTY MCINTYRE	----	5,558 VOTES (13.27%)
Total		41,892 VOTES (100%)

Raul Campillo and Noli Zosa are hereby declared to be the two candidates receiving the highest number of votes and will advance to the Municipal General Election for the office of Councilmember for District 7.

G. FOR COUNCILMEMBER, DISTRICT 9 (four-year term)

KELVIN H. BARRIOS	----	7,426 VOTES (31.62%)
SEAN ELO	----	4,819 VOTES (20.52%)
JOHNNY LEE DANG	----	3,473 VOTES (14.79%)
ANDREW GADE	----	2,222 VOTES (9.46%)
ROSS NAISMITH	----	1,997 VOTES (8.50%)
SAM BEDWELL	----	1,986 VOTES (8.46%)
ALEX SOTO	----	1,564 VOTES (6.66%)
Total		23,487 VOTES (100%)

Kelvin H. Barrios and Sean Elo are hereby declared to be the two candidates receiving the highest number of votes and will advance to the Municipal General Election for the office of Councilmember for District 9. The City Clerk has been advised and confirmed that since the date of the filing deadline for candidates for the Municipal Primary Election, Sean Elo has legally changed his name to Sean Elo-Rivera due to marriage, and therefore the Municipal General Election ballot will list his new legal name, in compliance with California law.

III

The number of votes cast for and against each of the two measures which appeared on the Municipal Special Election ballot as Measures C and D, and the total number of votes cast upon each measure, are as follows:

MEASURE C

FOR	239,024 VOTES (65.24%)
AGAINST	127,349 VOTES (34.76%)
Total	366,373 VOTES (100%)

This measure required a two-thirds vote for approval. Measure C did not receive the affirmative vote of at least two-thirds of the qualified voters voting on the measure and is hereby declared to have been defeated.

While acknowledging that there exists in California a split of authority as to whether a majority vote or a supermajority is required for the passage of a special tax by citizens' initiative, the City Attorney determined that Measure C requires a two-thirds vote for approval. This determination was reiterated in the ballot and ballot pamphlet. It is anticipated that the California Supreme Court will issue a final decision in the future resolving this ambiguity, and that their decision may impact this Measure.

MEASURE D

FOR	269,583 VOTES (80.81%)
AGAINST	64,006 VOTES (19.19%)
Total	333,589 VOTES (100%)

This measure required a majority vote for approval. Measure D did receive the affirmative vote of a majority of the qualified voters voting on the measure and is hereby declared to have been approved.

IV

The number of votes cast in each precinct for each candidate, and for and against the measures, is recorded in the Election Returns Book, which book is authorized and is considered to be a part of the record of this Council.

V

The City Clerk is directed to file the charter amendments with the California Secretary of State in accordance with California Government Code section 34460.

VI

The City Clerk shall make public the results of the canvass of the election by publication of a copy of this resolution.

APPROVED: MARA W. ELLIOTT, City Attorney

By

Sharon B. Spivak
Senior Deputy City Attorney

SBS:jdf
04/04/2020
Or.Dept: City Clerk
Doc. No.: 2281579